

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

LISA LENNAN,)	
)	
Plaintiff)	
)	
v.)	Civil Action Docket No:
)	
HEALTHCARE SERVICE GROUP, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Healthcare Services Group, Inc.,¹ (“Defendant”), by counsel and pursuant to 28 U.S.C. § 1441, *et seq.*, requests removal of a civil action commenced in the Cumberland County Superior Court, titled *Lisa Lennan v. Healthcare Service Group, Inc.*, Civil Action Docket No. CV-19-439. In support of removal, Defendant respectfully states:

1. Plaintiff commenced this action by filing a Complaint in Maine Superior Court, Cumberland County, on or about November 5, 2019, a copy of which is attached as Exhibit A to the Declaration of James R. Erwin (“Erwin Declaration”).
2. On January 30, 2020, legal counsel for Defendant accepted service of the Complaint in this action.
3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely as it has been filed with this Court within thirty (30) days after receipt of service of Plaintiff’s Complaint by Defendant.
4. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a) and thus the action may therefore be removed to this Court pursuant to 28 U.S.C. §§ 1441(b) and 1446(a).

¹ Erroneously captioned as “Healthcare Service Group, Inc.”

5. The United States District Court for the District of Maine is the federal judicial district encompassing the Superior Court of Cumberland County, Maine, where this suit was originally filed. Venue, therefore, is proper in this district under 28 U.S.C. § 1441(a).

5. Defendant desires to remove this action to this Court.

6. As the following facts demonstrate, this is a civil action arising between citizens of different states and in which the matter in controversy as against the Defendant exceeds the sum of \$75,000.00 exclusive of costs and interest:

- (a) Plaintiff resides in the State of Maine. (Compl., ¶ 1).
- (b) Defendant Healthcare Services Group, Inc. is a company formed under the laws of the State of Delaware, with its principal place of business within the Commonwealth of Pennsylvania.
- (c) Therefore, this action involves a controversy between citizens of different states.
- (d) In her Complaint, Plaintiff alleges that she was wrongfully terminated in violation of the Maine Whistleblower Protection Act. (Compl., ¶¶ 25-30).
- (e) Plaintiff seeks damages, including general and non-economic damages, economic damages, pre-judgment and post-judgment interest, lost wages, punitive damages, and reasonably attorney's fees and costs (Compl., p3) ("Wherefore" clause following ¶ 30).
- (f) Under 5 M.R.S. § 4613(8)(e)(iv), the sum of compensatory and punitive damages for actions alleging intentional employment discrimination, including violations of the Maine Whistleblower's Protection Act, against employers with more than 500 employees may not exceed \$500,000.

(g) Plaintiff alleges that she has complied with all administrative requirements and received a right-to-sue letter from the Maine Human Rights Commission. (Compl., ¶ 24). Therefore, Plaintiff may seek attorneys' fees under 5 M.R.S. § 4614. *See* 5 M.R.S. § 4622 (limiting right to recover attorneys' fees when plaintiff does not first file a charge with the Commission).

(h) Therefore, the amount in controversy as between Plaintiff and Defendant exceeds \$75,000, exclusive of costs and interest.

7. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint, Summons, and other papers served on Defendant are attached, being all the process, pleadings, and orders served upon Defendant.

8. Pursuant to 28 U.S.C. § 1446(d), Defendant this day is filing a copy of the Notice of Removal with the Cumberland County Superior Court, and sending copies of the notice to Plaintiff's counsel.

WHEREFORE, Defendant respectfully requests that the above-captioned action be removed from the Cumberland County Superior Court to this Court.

Dated: February 18, 2020

/s/ James R. Erwin
James R. Erwin

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2020, I served a copy of the Notice of Removal by email and U.S. Mail, postage prepaid and addressed to the following:

Guy D. Loranger, Esq.
Law Office of Guy D. Loranger
1 Granny Smith Court; Suite 3
Old Orchard Beach ME 04064

Dated: February 18, 2020

/s/ James R. Erwin
James R. Erwin

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